
Wisconsin Legislative Council

AMENDMENT MEMO



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2023 Assembly Bill 321

Assembly Substitute Amendment 1

2023 ASSEMBLY BILL 321

2023 Assembly Bill 321 makes various changes to current law relating to reading instruction, curriculum, assessments, and interventions.

Council on Early Literacy Curricula

The bill creates an Office of Literacy within the Department of Public Instruction (DPI), as well as a Council on Early Literacy Curricula located within the Office of Literacy. The council consists of nine members appointed by the Speaker of the Assembly, the Senate Majority Leader, and the State Superintendent of Public Instruction, and is responsible for recommending science-based literacy curricula and instructional materials for use in grades kindergarten through 3.

Adoption of New Literacy Curriculum and Grants

Assembly Bill 321 imposes reading curriculum requirements on traditional public schools, independent charter schools, and private schools participating in the Milwaukee Parental Choice Program, the Racine Parental Choice Program, or the Wisconsin Parental Choice Program (collectively, parental choice programs). Beginning in 2024, any of these schools that adopt a new literacy curriculum must adopt one recommended by the Council on Early Literacy Curricula.

The bill also creates grants covering a portion of costs for purchasing recommended curriculum and instructional materials. DPI must provide schools with 50 percent reimbursement for eligible costs, except that DPI must prorate payments if there are insufficient funds to cover all grant awards.

Prohibition on the Use of Three-Cueing in Literacy Instruction

Assembly Bill 321 prohibits traditional public schools and independent charter schools from incorporating three-cueing in the core reading curriculum, supplemental materials, and materials used for reading intervention in grades kindergarten through 3, beginning in the 2024-25 school year. Three-cueing means any model of teaching a student to read based on meaning, structure and syntax, and visual cues or memory, including the model referred to as meaning, structure, and visual cues, or MSV.

Literacy Coaching Program

The bill establishes a Literacy Coaching Program within the new DPI Office of Literacy. The program assigns literacy coaches to traditional public schools, independent charter schools, and private schools participating in a parental choice program. Under the bill, DPI must assign half of the literacy coaches to schools with the lowest reading scores on the standardized 3rd grade reading assessment and half to schools that request such assistance.

Assessments and Intervention

Current law requires traditional public schools and independent charter schools to assess students in 4 year-old kindergarten (4K) through 2nd grade for reading readiness each year. This assessment must evaluate whether the student possesses phonemic awareness and letter sound knowledge.

Assembly Bill 321 replaces the 4K to 2nd grade requirement for traditional public schools and independent charter schools with a new system of literacy assessment involving more frequent testing, and creates a new assessment requirement for students in 5 year-old kindergarten (5K) to 3rd grade. The bill requires schools to administer fundamental skills screening assessments to 4K students twice per year, and universal screening assessments to 5K to 3rd grade students three times per year. If any 5K to 3rd grade student scores below the 25th percentile, the school must administer a diagnostic assessment to evaluate certain literacy skills and provide interventions such as creation of a personal reading plan. Any student who scores below the 25th percentile on the subsequent diagnostic assessment must receive interventions and information about the special education referral system.

Third Grade Retention

Assembly Bill 321 requires DPI to adopt a model policy on 3rd grade retention and requires all school boards, operators of independent charter schools, and governing bodies of private schools participating in a parental choice program to adopt their own 3rd grade retention policies. These policies must include specified provisions, including that 3rd grade students who perform in the lowest proficiency category on the standardized 3rd grade reading assessment must be retained in third grade.

Beginning on September 1, 2028, traditional public schools, independent charter schools, and parental choice schools cannot promote a student to the 4th grade unless the student meets the criteria for promotion specified in the school policy.

Teacher Preparation Programs

The bill provides that the State Superintendent of Public Instruction may not approve a teacher preparatory program unless the program provides instruction that prepares teachers to teach science-based early literacy instruction and does not provide instruction that incorporates three-cueing.

School and District Reporting

Assembly Bill 321 requires data from the standardized 3rd grade reading assessment to be included on the state and district report card for every school that offers 3rd grade, and requires data from the required assessments and screeners to be included on each public school's school performance report.

Teacher Licensing

Current law prohibits DPI from issuing a license to teach reading or language arts in pre-kindergarten through 6th grade unless the applicant has successfully completed instruction preparing the individual to teach reading and language arts using phonics. Assembly Bill 321 amends the requirement so that applicants must receive instruction to teach reading and language arts using science-based literacy instruction that does not include three-cueing as a method of instruction.

Professional Development

Assembly Bill 321 requires all of the following individuals to receive specific professional development training in science-based reading instruction: (1) educators who teach grades kindergarten through 3; (2) principals of schools that offer grades kindergarten through 3; (3) reading specialists; and (4)

University of Wisconsin (UW)-System faculty and academic staff members who teach a course that includes curriculum in reading instruction designed for educators. The professional development must meet certain requirements, including that the training be the Voyager Sopris Language Essentials for Teachers of Reading and Spelling (LETRS) or another program endorsed by the Center for Effective Reading Instruction.

ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Substitute Amendment 1 largely retains the provisions of Assembly Bill 321, but makes revisions regarding 3rd grade retention and promotion, three-cueing reading instruction, purchase of new curriculum, and the specific criteria applicable to required professional development.

First, the substitute amendment alters the 3rd grade retention policy requirement so that traditional public schools, independent charter schools, and parental choice schools must retain a student in 3rd grade **reading**, but may otherwise promote the student to 4th grade. The amendment also changes the date on which schools are first prohibited from promoting a 3rd grade student under their retention policies to September 1, 2027, rather than September 1, 2028.

Second, the substitute amendment eliminates the requirement for traditional public schools, independent charter schools, and parental choice schools adopting a new K-3 literacy curriculum to use one recommended by the Council on Early Literacy. However, schools must still adopt a recommended curriculum to be eligible for reimbursement grants for purchasing costs.

Third, the substitute amendment prohibits parental choice schools from using three-cueing instruction or materials. The original bill prohibited only traditional public schools and independent charter schools from using three cueing, but the substitute amendment extends the prohibition to include schools participating in a parental choice program.

Finally, the substitute amendment makes a minor revision to the professional development training required for educators, principals, reading specialists, and UW faculty. The amendment updates the legal name of the entity offering LETRS training from Voyager Sopris to Lexia Learning Systems, LLC.

BILL HISTORY

Representative Kitchens offered Assembly Substitute Amendment 1 on June 15, 2023. On that date, the Assembly Committee on State Affairs voted to recommend adoption of the amendment and passage of the bill, as amended, both on votes of Ayes, 9; Noes, 5.

For a full history of the bill, visit the Legislature's [bill history page](#).

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